

RESOLUTION AGREEMENT
Rock Hill #3 County School District
OCR Case No. 11-16-1065

Rock Hill #3 County School District (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-1065. This Agreement does not constitute an admission by the District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

1. By October 7, 2016, after providing proper written notice to the Student's parent/guardian, the District will convene a group of persons knowledgeable about the Student, making all reasonable efforts to include the parent/guardian, with the purpose of determining whether the Student is entitled to any compensatory and/or remedial services for the time period the Student did not receive appropriate regular and/or special education or related services, during the 2015-2016 school year. If the team determines that the Student is entitled to such services, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond January 15, 2016. The District will provide the Student's parent/guardian with notice of the procedural safeguards, including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

- a. Within one week of the meeting, the District will submit to OCR a copy of the meeting minutes or similar documentation from the meeting, including an explanation for decisions made, a description of and schedule for providing compensatory and/or remedial services (if any) to the Student, the notice of procedural safeguards, the written invitation to the Student's parent/guardian, and a list of meeting attendees. OCR will review the documentation submitted to ensure that the District met the procedural and other requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36, in making these determinations.
 - b. Within 10 calendar days after receiving OCR's approval, the District will provide the Student's parent/guardian with written notice of the outcome of the meeting, including an explanation for decisions made and a description of and schedule for providing compensatory and/or remedial services (if any) to the Student. The District will provide a copy of this written notice to OCR.
 - c. By February 1, 2017, if the group determines that the Student is entitled to compensatory and/or remedial services, the District will provide documentation to OCR of the dates, times, and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).
2. By November 1, 2016, the District will develop a District-wide procedure for documenting the minutes of delivery of direct special education instruction, including,

but not limited to, specific subject areas and organization/study skills instruction, in accordance with a student's IEP or section 504 Plan.

Reporting Requirements:

- a. By November 5, 2016, the District will provide OCR a copy of the procedure.
 - b. By January 18, 2017, the District will provide OCR a report, including copies of documentation materials, of the minutes of specialized instruction provided to the student during the fall 2016 semester.
 - c. By June 15, 2017, the District will provide OCR a report, including copies of documentation materials, of the minutes of specialized instruction provided to the student during the spring 2017 semester.
3. By December 1, 2016, the District will provide training to all District IEP or Section 504 case managers. The training should address, at a minimum: (i) the District's responsibilities with regard to providing regular and special education and related aids and services; (ii) the District's responsibilities with regard to implementation of an Individualized Education Program (IEP) or Section 504 Plan; and (iii) implementing the procedure outlined in Section 2.

Reporting Requirements:

- a. By November 1, 2016, the District will provide OCR a copy of the training materials and the name and title of the person(s) who will conduct the training for review and approval.
- b. By December 8, 2016, the District will provide OCR: (i) a copy of the final training materials, (ii) sign-in sheets including the names, titles, and school of all District staff who received this training, and the date each individual completed the training, and (iii) any other documents related to the completion of the training.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 and Title II at 34 C.F.R. Part 104 and 28 C.F.R. Part 35.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504, Title II and the Age Act at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which was at issue in this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

By: _____/S/_____ Date: _____9/27/16_____

Dr. Kelly Pew
Superintendent